IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.515 of 2007
SMT.RENU DEVI
Versus
THE STATE OF BIHAR & ORS
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5 27.8.2008 In the instant writ petition the petitioner seeks a direction to respondents 4 and 5 to hand over the possession of two shops situated on plot nos.11483, 11484 and 11485 in P.S. Sadar Town, Darbhanga to her and for a further direction restraining the private respondent from interfering with her peaceful possession over the shops in question.

Learned counsel for the petitioner submits that the petitioner purchased land measuring 4 dhurs and 48 dhurki with house in plot nos. 11483, 11484 and 11485 in P.S. Sadar Town, Darbhanga through two registered sale deeds from one Smt. Sheela Devi. Besides other structure, there are three shops on the aforesaid lands and in one of them the petitioner is running a medicine shop.

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It would appear from the counter affidavit filed on behalf of respondent no.4 that respondent no.6 Baidynath Mahto also purchased 16 dhurs of land of the same Khesara through sale deed from Ashok Agrawal son of Late Vijay Kumar Agrawal.

Learned counsel for the petitioner submits that the three shops in question were in her possession and in fact respondent no.6 had filed Eviction Suit which was withdrawn and thereafter he filed Title Suit which was dismissed for default. He submits that the learned S.D.O. after considering all the facts and circumstances of the case vide its order dated 29.4.2005 directed the police to handover the shop

in question to the petitioner.

The grievance of the petitioner is that pursuant to the aforesaid direction the police has handed over lock and key of only one shop and did not hand over the key of remaining two shops of the petitioner.

In view of the order that this court is proposing to pass, it may not be necessary to notice respondent no.6.

Having considered the facts and circumstances of the case and on going through the materials on record, this writ petition is disposed of with a liberty to the petitioner to file an appropriate application before the S.D.O., Sadar, Darbhanga raising her grievances and for clarification of the order dated 29.4.2005 as it did not mention to hand over the lock and key of all shops very clearly. The learned S.D.O. after noticing respondent no.6 would dispose of the application of the petitioner preferably within two months from the date of filing of such application before him, in accordance with law.

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KHAN (S.P.Singh,J)